

# BAKER & MILLER PLLC

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September 6, 2007

## VIA E-FILING

Karl Hansen, Esq.

Leonard Street and Deinard

150 South Fifth Street, Suite 2300

Minneapolis, Minnesota 55402

Re: STB Docket No. AB-156 (Sub-No. 26X)  
Abandonment of Trackage Located in Green Island, NY

Dear Mr. Hansen:

Thus far R. Freedman & Son has received a spreadsheet setting forth a net salvage value estimate for Green Island Branch Trackage and an appraisal report prepared by Armstrong Appraisals, LLC ("Armstrong Report") concerning the 1.98 mile line said to be comprised of 12.90 acres of vacant land in partial response to information requested pursuant to 49 CFR 1152.27(a).

In regard to the Armstrong Report it is noted that the appraiser conditioned his report on assumptions that title to the property is marketable, that the property is free and clear of encumbrances and that there are no defects in title. (Report p ii) The appraisal also notes that no deeds were presented (Report p 2) and no engineering surveys were made available in connection with his valuation (Report p ii).

In view of the unsubstantiated assumptions that underlie the valuation presented in the Armstrong Report, we request copies of relevant deeds or other documentation to show that Delaware and Hudson Railway ("D&H") holds marketable fee simple title to the specific parcel(s) of land comprising the rail right-of-way and valuation maps for the rail line including any deed indices that appear on or accompany those maps. This information is essential to an appropriate independent valuation of the relevant real property interest for purposes of determining an appropriate offer of financial assistance.

Thus far we have not received information concerning the condition of the line. In this regard we will particularly appreciate receiving information concerning bridge

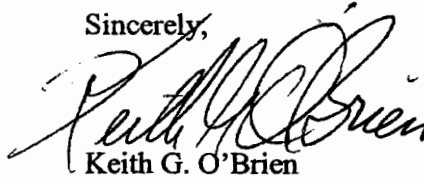
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structure condition, condition of crossings, condition of signal equipment, information as to what maintenance has been accomplished on the line over the past ten years and estimates of deferred maintenance and rehabilitation costs. Such information is deemed to be of considerable importance in connection with preparation of an appropriate offer of financial assistance to acquire the line.

In accordance with the Board's decision served on August 6, 2007 R. Freedman & Son understands that the deadline for filing an OFA is tolled until 30 days after requested information has been provided. We look forward to receiving the requested information.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith G. O'Brien", is written over a horizontal line.

Keith G. O'Brien

cc: Vernon Williams, Secretary STB  
Anthony Dawson